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Sent: 12/3/2018 7:20:08 PM
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Northeast State Officials Eye Organized Approach On Assessing PFAS Risks

December 03, 2018

Prompted by a federal agency's strict draft risk values released earlier this year, toxicologists in New York and other Northeast states have held a dialogue on the risks posed by per- and polyfluoroalkyl substances (PFAS), an early informal, coordinated effort to prepare for a possible review should state regulators decide to craft drinking water standards.

According to New York state officials, the state's Department of Health (NYSDOH) led an effort among risk assessors from New York and New England states to hold a series of conference calls about the risks posed by PFAS and how to assess them.

The states' effort sought to cut back on the workload individual states would need to undertake to examine the draft risk findings for PFAS released earlier this year by a federal health agency, and will allow toxicologists to be ready for the possibility of having to craft maximum contaminant levels (MCLs) or other drinking water levels for the contaminants in their individual states, one New York state official says.

The source says the group did not come to a consensus, and that the calls were technical, not at the policy level. Still, the source says the coordination was extremely helpful, saving on the amount of work any one toxicologist had to do, and that it allowed for sharing different views. There are no immediate plans for future conference calls, the source says.

The discussions signal an organized but informal effort by states to prepare for any decisions their regulators may make to write advisory or regulatory limits for the chemicals in drinking water, as communities continue to pressure officials for action and EPA struggles to decide whether it will promulgate enforceable standards.

As a result, some states may look to write their own MCLs or advisory levels in the absence of EPA standards. For instance, under state law, New Hampshire by Jan. 1 must initiate a process for developing MCLs for four PFAS, one state official says.

The states' discussions mark just the latest indication that groups are gearing up for policy action to address PFAS. Earlier this year, several PFAS manufacturers and industrial consumers, including 3M and Johnson Controls, launched a more-formal group known as Responsible Science Policy Coalition (RSPC) to advocate for industry stances among state and federal officials.

The group has already written comments criticizing the federal Agency for Toxic Substances and Disease Registry's (ATSDR) draft report on four PFAS, charging its process did not follow the National Academy of Sciences (NAS) process for conducting human health assessments.

The states' talks came shortly after ATSDR in June released its draft report recommending risk values for two PFAS that are more conservative than those adopted by EPA for its drinking water advisory levels in 2016.

ATSDR's report came in the face of significant criticism from lawmakers and environmentalists after *Inside EPA* and other outlets reported that EPA and other Trump administration officials had urged the White House to block the document because it suggested more conservative values for perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS) than EPA used when setting its advisory levels for the two.

Multi-State Process

ATSDR's draft toxicological profile proposed minimal risk levels (MRLs) -- which estimates the level of a chemical a person can be exposed to each day without a detectable non-cancer health risk.

The draft MRLs for "intermediate" duration oral exposures for PFOA and PFOS are between seven and 10 times stricter than EPA risk estimates underlying the agency's 2016 drinking water health advisories for lifetime chronic exposure to PFOA and PFOS. At the same time, ATSDR cautioned the public not to read its levels as

cleanup or health effects standards, noting these levels are meant to act as a screening tool to aid public health professionals in further investigating.
The state risk assessors examined the MRLs, relative to EPA's 2016 health advisories for PFOA and PFOS, looking at strengths and weaknesses, one of the New York state officials says.
Their effort may already be helping guide states. During an Oct. 17 meeting of the New York Drinking Water Quality Council that focused in part on PFAS, officials with the NYSDOH Center for Environmental Health alluded to the multi-state coordinating process used to assess ATSDR's MRLs.
The dialogue among state toxicologists looked at both ATSDR's MRLs and other derivations for PFAS, NYSDOH Center for Environmental Health Director Gary Ginsberg told the forum.
"The multi-state process has really put us in an excellent position to present to the council . . . the various thoughts and permutations on the science," he said.
For instance, he said the multi-state group thoroughly examined the issue of mammary gland development studies that New Jersey built into its uncertainty factor used in that state's recommendation of 14 parts per trillion (ppt) for a drinking water maximum contaminant level (MCL) for PFOA.
According to a question-and-answer discussion earlier in the meeting, New Jersey based its reference dose on liver toxicity, but drew attention to studies related to prenatal exposures on mammary gland development and declined to use it to derive the MCL, but instead built it into the uncertainty factor it used.
The multi-state group took a long look at the matter and "really did not feel that the science on that had emerged to a point where we could put a lot of emphasis on that endpoint," Ginsberg said.
The assessors' talks come as some states may look to write their own MCLs or advisory levels in the absence of EPA regulatory standards.
EPA is expected to release a PFAS management plan early next year, in part making clear whether it will move ahead with an MCL for PFOA and PFOS, or not. The agency's top official on PFAS told lawmakers earlier this year that if the agency does decide to regulate the substances under various environmental laws, it would take years to complete. EPA has faced competing pressures on the issue, with the National Rural Water Association recently urging the agency to resist developing such a national, enforceable drinking water standard while states, environmentalists and many lawmakers have pressed the agency to craft one as a way to prevent a growing patchwork of state standards and ensure consistent national cleanup requirements for the ubiquitous chemicals.

'Accelerate Results'

Meanwhile, RSPC, the industry group, is also seeking a say on PFAS risk and policy development.
In slides presented by industry attorney James Votaw and Policy Navigation Group President Jonathan Gledhill in July to the Council of Western Attorneys General, the two say the group's objective is to offer "scientific resources to public policy decisions at federal and state level," and to "coordinate investments in research with other stakeholders to maximize value and to accelerate results."
They say they do not want to follow the path of perchlorate, showing a timeline where EPA varied in setting a health value, with NAS and EPA's science advisors at different points rejecting the approach.
On PFAS, they say there is "concern that we are accelerating action, but not following best practices," which would lead to "unnecessary delays and wasted resources." They say the goal of RSPC "is to accelerate research and promote best practices and best available science in policy decisions."
They criticize EPA, states and ATSDR in general for not following the NAS process. They say the NAS in 2005 through 2009 "found major problems" in six health assessments. The concern "is that skipping steps will ultimately delay public health protections," they say in the slides.
In response to ATSDR's draft tox profile for PFAS, RSPC submitted comments criticizing the agency for allegedly failing to follow NAS' advice for conducting human health assessments.
"ATSDR's draft profile relies on associational studies that suffer from inconsistency, incoherency, and fail to establish cause-and-effect relationships." As such, if it would have followed NAS' National Research Council recommendations on conducting systematic review and evidence integration, it would have reached different conclusions, the coalition says.
The coalition also raises the issue facing state regulators right now over whether to follow ATSDR or EPA's risk levels, with the group arguing that if ATSDR had collaborated with other agencies, it could have avoided

the current situation where two different federal agencies are backing safe levels of PFAS that differ by an order of magnitude.

In a Sept. 25 blog by Union of Concerned Scientists, the group is skeptical of RSPC, saying that "so far, it seems to exist to encourage more relaxed regulation of PFAS chemicals -- a decision that is worth a lot of money to the organization's key members." -- *Suzanne Yohannan*